

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 646 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

NATHUBHAI SHIVABHAI BAROT

Appearance:

1. Special Civil Application No. 646 of 1994
MR HS MUNSHAW for Petitioner No. 1-2
MR MUKESH H RATHOD for Respondent No. 1
NOTICE SERVED for Respondent No. 1
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CORAM : HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 18/06/2004

ORAL JUDGEMENT

1. Gujarat State Road Transport Corporation has filed this writ petition challenging the interim order

dated 29.4.1993 passed by the Industrial Tribunal, Rajkot, in Reference (IT) No.181 of 1992. By the impugned order, the Tribunal has granted the injunction application in favour of the respondent-workman.

2. It may be noted that in Reference (IT) No.181 of 1992, the Assistant Traffic Inspector, Shri Nathubhai Shivabhai Barot, has raised dispute as to whether he was likely to retire on 31.7.1994 when he attained the age of 60 years. During the pendency of Reference (IT) No.181 of 1992, as stated above, the Tribunal granted the injunction application on 29.4.1993.

3. It may be noted that the Corporation has filed the present writ petition under Article 226 of the Constitution of India against the interim order and, therefore, this Court is not inclined to interfere with such order. Secondly, in any view of the matter, the respondent-workman had attained the age of 60 years on 31.7.1994 and he had already retired and he had also received all retirement benefits. In view of the same, it appears that the main Reference (IT) No.181 of 1992 has also been disposed of by the Tribunal. In view of the fact the main reference as well as the injunction application have become infructuous by efflux of time, the present petition has no substance and is rejected. Rule is discharged with no order as to costs. The ad-interim relief is vacated.

(K.M. Mehta, J.)
(swamy)